



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 463

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 463 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.32 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following  
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 The Detection of Deception Examiners Act.

12 The Home Inspector License Act.

13 The Interior Design Profession ~~Title~~ Act.

14 The Massage Licensing Act.

15 The Petroleum Equipment Contractors Licensing Act.

16 The Real Estate Appraiser Licensing Act of 2002.

1           The Water Well and Pump Installation Contractor's License  
2 Act.

3           (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;  
4 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.  
5 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,  
6 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

7           Section 10. The Interior Design Title Act is amended by  
8 changing Sections 1, 3, and 5 and by adding Sections 4.10,  
9 4.15, and 4.20 as follows:

10           (225 ILCS 310/1) (from Ch. 111, par. 8201)

11           (Section scheduled to be repealed on January 1, 2022)

12           Sec. 1. Short title. This Act may be cited as the Interior  
13 Design Profession ~~Title~~ Act.

14           (Source: P.A. 92-104, eff. 7-20-01.)

15           (225 ILCS 310/3) (from Ch. 111, par. 8203)

16           (Section scheduled to be repealed on January 1, 2022)

17           Sec. 3. Definitions. As used in this Act:

18           "Department" means the Department of Financial and  
19 Professional Regulation.

20           "Secretary" means the Secretary of Financial and  
21 Professional Regulation.

22           "Board" means the Board of Registered Interior Design  
23 Professionals established under Section 6 of this Act.

1       "Licensed design professional" means a person who holds an  
2 active license as an architect under the Illinois Architecture  
3 Practice Act of 1989, as a structural engineer under the  
4 Structural Engineering Practice Act of 1989, as a professional  
5 engineer under the Professional Engineering Practice Act of  
6 1989, or as a land surveyor under the Illinois Professional  
7 Land Surveyor Act of 1989.

8       "Public member" means a person who is not an interior  
9 designer, educator in the field, architect, structural  
10 engineer, or professional engineer. For purposes of board  
11 membership, any person with a significant financial interest in  
12 the design or construction service or profession is not a  
13 public member.

14       "Registered interior designer" means a person who has  
15 received registration under Section 8 of this Act.

16       "The profession of interior design", within the meaning and  
17 intent of this Act, refers to persons qualified by education,  
18 experience, and examination, who administer contracts for  
19 fabrication, procurement, or installation in the  
20 implementation of designs, drawings, and specifications for  
21 any interior design project and offer or furnish professional  
22 services, such as consultations, studies, drawings, and  
23 specifications in connection with the location of lighting  
24 fixtures, lamps and specifications of ceiling finishes as shown  
25 in reflected ceiling plans, space planning, furnishings, or the  
26 fabrication of non-loadbearing structural elements within and

1 surrounding interior spaces of buildings but specifically  
2 excluding mechanical and electrical systems, except for  
3 specifications of fixtures and their location within interior  
4 spaces.

5 A person represents himself or herself to be a "registered  
6 interior designer" within the meaning of this Act if he or she  
7 holds himself or herself out to the public by any title  
8 incorporating the words "registered interior designer" or any  
9 title that includes the words "registered interior design".  
10 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

11 (225 ILCS 310/4.10 new)

12 Sec. 4.10. Design firms.

13 (a) Corporations, partnerships, limited liability  
14 companies, professional limited liability companies, and  
15 professional design firms may, for the purpose of formation or  
16 establishment, governance, or management, have one or more  
17 interior designers who are not licensed design professionals  
18 and who possess the duties, responsibilities, restrictions,  
19 liabilities, legal authority, and the powers, and privileges of  
20 the following:

21 (1) a director on the board in the case of a  
22 corporation, a general partner in the case of a  
23 partnership, or a member in the case of a professional  
24 limited liability company or limited liability company;

25 (2) a managing agent;

1           (3) an owner, including majority owner; or

2           (4) an officer, which may include an individual serving  
3           as more than one officer at the same time and therefore  
4           assuming all the duties, responsibilities, liabilities,  
5           legal authority, powers, and privileges of each respective  
6           officer's position.

7           (b) The following information in paragraphs (1) and (2) of  
8           this subsection (b) shall be available upon written request and  
9           payment of a required fee as determined by the Department.

10           (1) Corporations, partnerships, limited liability  
11           companies, professional limited liability companies, and  
12           professional design firms that hire full or part-time,  
13           including on a contractual basis, at least one interior  
14           designer who is not a licensed design professional, shall  
15           submit to the Department the following information no later  
16           than December 31, 2016 and thereafter as a part of their  
17           design firm registration renewal required by the  
18           Department:

19           (A) The names of individuals, separating employees  
20           of the business from contract employees, in the last 12  
21           months to engage in the profession of interior design  
22           as defined by this Act who are:

23                   (i) registered interior designers;

24                   (ii) non-registered interior designers;

25                   (iii) licensed in any state to practice  
26           architecture as defined by the Illinois

1           Architecture Practice Act of 1989; or

2                   (iv) interior designers serving in one or more  
3           of the positions listed in paragraphs (1) through  
4           (4) of subsection (a) of this Section.

5           (B) A list of all office locations in the State at  
6           which the business entity engages in the profession of  
7           interior design.

8           (2) Sole proprietorships that are exempt from design  
9           firm registration requirements with the State shall submit  
10           all applicable information listed in subparagraph (A) of  
11           paragraph (1) of this subsection (b), including if any  
12           owner is an interior designer or engages in the profession  
13           of interior design.

14           (225 ILCS 310/4.15 new)

15           Sec. 4.15. Prohibitions. Unless an interior designer has  
16           violated this Act or the laws of this State or the United  
17           States, no person, business entity, county, local  
18           municipality, or the State, including all boards, agencies, and  
19           commissions established by the aforementioned as well as any  
20           individuals appointed, employed, or acting on their behalf,  
21           shall take action to limit an interior designer from:

22                   (1) formulating or establishing a business entity,  
23           including a corporation, partnership, sole proprietorship,  
24           or professional design firm;

25                   (2) hiring one or more full or part-time employees or

1 contracting with individuals qualifying as licensed design  
2 professionals to practice:

3 (A) structural engineering as defined in the  
4 Structural Engineering Practice Act of 1989;

5 (B) architecture as defined in the Illinois  
6 Architecture Practice Act of 1989;

7 (C) professional engineering as defined in the  
8 Professional Engineering Practice Act of 1989;

9 (D) land surveying as defined in the Illinois  
10 Professional Land Surveyor Act of 1989; or

11 (E) other services requiring licensure by the  
12 State for an individual to practice;

13 (3) serving in one or more of the positions listed in  
14 paragraphs (1) through (4) of subsection (a) of Section  
15 4.10 and possessing all the respective duties,  
16 responsibilities, legal authority, powers, and privileges;  
17 and

18 (4) owning shares in a business entity.

19 (225 ILCS 310/4.20 new)

20 Sec. 4.20. Application of other Acts.

21 (a) The Professional Service Corporation Act, the Limited  
22 Liability Company Act, the Professional Limited Liability  
23 Company Act, and the Business Corporation Act of 1983 shall be  
24 applicable to corporations, partnerships, limited liability  
25 companies, professional limited liability companies, sole

1 proprietorships, and professional design firms formulated or  
2 established under this Act, except as provided in Sections 4.10  
3 and 4.15 of this Act.

4 (b) This Act shall take precedence in the event of any  
5 conflict with the provisions of the Professional Service  
6 Corporation Act, the Limited Liability Company Act, the  
7 Professional Limited Liability Company Act, and the Business  
8 Corporation Act of 1983 or other laws, including the Illinois  
9 Architecture Practice Act of 1989, the Professional  
10 Engineering Practice Act of 1989, and the Structural  
11 Engineering Practice Act of 1989 requiring participation of one  
12 or more licensed design professionals to formulate or  
13 establish, own, govern, manage, or direct a corporation,  
14 partnership, limited liability company, professional limited  
15 liability company, sole proprietorship, or professional design  
16 firm.

17 (225 ILCS 310/5) (from Ch. 111, par. 8205)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 5. Powers and duties of the Department. Subject to the  
20 provisions of this Act, the Department shall exercise the  
21 following functions, powers, and duties:

22 (a) To conduct or authorize examinations to ascertain the  
23 fitness and qualifications of applicants for registration and  
24 issue certificates of registration to those who are found to be  
25 fit and qualified.

1 (b) To prescribe rules and regulations for a method of  
2 examination of candidates. The Department shall designate as  
3 its examination for registered interior designers the National  
4 Council for Interior Design Qualification examination.

5 (c) To adopt as its own rules relating to education  
6 requirements, those guidelines published from time to time by  
7 the Council for Interior Design Accreditation ~~Foundation for~~  
8 ~~Interior Design Education Research~~ or its successor entity  
9 equivalent.

10 (d) To conduct hearings on proceedings to revoke, suspend,  
11 or refuse to issue certificates of registration.

12 (e) To promulgate rules and regulations required for the  
13 administration of this Act.

14 (f) To investigate unfair treatment of interior designers,  
15 both registered and non-registered, by any individual or  
16 business entity. Any individual reporting unfair treatment to  
17 the Department shall have every right to claim anonymity from  
18 the time of submitting a complaint through any investigation  
19 and disciplinary processes.

20 (g) To maintain membership in the Council of Interior  
21 Design Qualifications (CIDQ) and participate in activities of  
22 the CIDQ Council of Delegates by designating at least one  
23 employee of the Department to attend national and regional  
24 meetings of the Council. All costs associated with membership  
25 and attendance of the delegate to any national or regional  
26 meetings may be funded from the Design Professionals

1 Administration and Investigation Fund.

2 (h) The Department may take disciplinary action as it deems  
3 proper, including, but not limited to, the imposition of fines  
4 not to exceed \$10,000 for a violation of this Act.

5 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

6 Section 15. The Unified Code of Corrections is amended by  
7 changing Section 5-5-5 as follows:

8 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

9 Sec. 5-5-5. Loss and Restoration of Rights.

10 (a) Conviction and disposition shall not entail the loss by  
11 the defendant of any civil rights, except under this Section  
12 and Sections 29-6 and 29-10 of The Election Code, as now or  
13 hereafter amended.

14 (b) A person convicted of a felony shall be ineligible to  
15 hold an office created by the Constitution of this State until  
16 the completion of his sentence.

17 (c) A person sentenced to imprisonment shall lose his right  
18 to vote until released from imprisonment.

19 (d) On completion of sentence of imprisonment or upon  
20 discharge from probation, conditional discharge or periodic  
21 imprisonment, or at any time thereafter, all license rights and  
22 privileges granted under the authority of this State which have  
23 been revoked or suspended because of conviction of an offense  
24 shall be restored unless the authority having jurisdiction of

1 such license rights finds after investigation and hearing that  
2 restoration is not in the public interest. This paragraph (d)  
3 shall not apply to the suspension or revocation of a license to  
4 operate a motor vehicle under the Illinois Vehicle Code.

5 (e) Upon a person's discharge from incarceration or parole,  
6 or upon a person's discharge from probation or at any time  
7 thereafter, the committing court may enter an order certifying  
8 that the sentence has been satisfactorily completed when the  
9 court believes it would assist in the rehabilitation of the  
10 person and be consistent with the public welfare. Such order  
11 may be entered upon the motion of the defendant or the State or  
12 upon the court's own motion.

13 (f) Upon entry of the order, the court shall issue to the  
14 person in whose favor the order has been entered a certificate  
15 stating that his behavior after conviction has warranted the  
16 issuance of the order.

17 (g) This Section shall not affect the right of a defendant  
18 to collaterally attack his conviction or to rely on it in bar  
19 of subsequent proceedings for the same offense.

20 (h) No application for any license specified in subsection  
21 (i) of this Section granted under the authority of this State  
22 shall be denied by reason of an eligible offender who has  
23 obtained a certificate of relief from disabilities, as defined  
24 in Article 5.5 of this Chapter, having been previously  
25 convicted of one or more criminal offenses, or by reason of a  
26 finding of lack of "good moral character" when the finding is

1 based upon the fact that the applicant has previously been  
2 convicted of one or more criminal offenses, unless:

3 (1) there is a direct relationship between one or more  
4 of the previous criminal offenses and the specific license  
5 sought; or

6 (2) the issuance of the license would involve an  
7 unreasonable risk to property or to the safety or welfare  
8 of specific individuals or the general public.

9 In making such a determination, the licensing agency shall  
10 consider the following factors:

11 (1) the public policy of this State, as expressed in  
12 Article 5.5 of this Chapter, to encourage the licensure and  
13 employment of persons previously convicted of one or more  
14 criminal offenses;

15 (2) the specific duties and responsibilities  
16 necessarily related to the license being sought;

17 (3) the bearing, if any, the criminal offenses or  
18 offenses for which the person was previously convicted will  
19 have on his or her fitness or ability to perform one or  
20 more such duties and responsibilities;

21 (4) the time which has elapsed since the occurrence of  
22 the criminal offense or offenses;

23 (5) the age of the person at the time of occurrence of  
24 the criminal offense or offenses;

25 (6) the seriousness of the offense or offenses;

26 (7) any information produced by the person or produced

1 on his or her behalf in regard to his or her rehabilitation  
2 and good conduct, including a certificate of relief from  
3 disabilities issued to the applicant, which certificate  
4 shall create a presumption of rehabilitation in regard to  
5 the offense or offenses specified in the certificate; and

6 (8) the legitimate interest of the licensing agency in  
7 protecting property, and the safety and welfare of specific  
8 individuals or the general public.

9 (i) A certificate of relief from disabilities shall be  
10 issued only for a license or certification issued under the  
11 following Acts:

12 (1) the Animal Welfare Act; except that a certificate  
13 of relief from disabilities may not be granted to provide  
14 for the issuance or restoration of a license under the  
15 Animal Welfare Act for any person convicted of violating  
16 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
17 Care for Animals Act or Section 26-5 or 48-1 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012;

19 (2) the Illinois Athletic Trainers Practice Act;

20 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
21 and Nail Technology Act of 1985;

22 (4) the Boiler and Pressure Vessel Repairer Regulation  
23 Act;

24 (5) the Boxing and Full-contact Martial Arts Act;

25 (6) the Illinois Certified Shorthand Reporters Act of  
26 1984;

1 (7) the Illinois Farm Labor Contractor Certification  
2 Act;

3 (8) the Interior Design Profession ~~Title~~ Act;

4 (9) the Illinois Professional Land Surveyor Act of  
5 1989;

6 (10) the Illinois Landscape Architecture Act of 1989;

7 (11) the Marriage and Family Therapy Licensing Act;

8 (12) the Private Employment Agency Act;

9 (13) the Professional Counselor and Clinical  
10 Professional Counselor Licensing and Practice Act;

11 (14) the Real Estate License Act of 2000;

12 (15) the Illinois Roofing Industry Licensing Act;

13 (16) the Professional Engineering Practice Act of  
14 1989;

15 (17) the Water Well and Pump Installation Contractor's  
16 License Act;

17 (18) the Electrologist Licensing Act;

18 (19) the Auction License Act;

19 (20) the Illinois Architecture Practice Act of 1989;

20 (21) the Dietitian Nutritionist Practice Act;

21 (22) the Environmental Health Practitioner Licensing  
22 Act;

23 (23) the Funeral Directors and Embalmers Licensing  
24 Code;

25 (24) the Land Sales Registration Act of 1999;

26 (25) the Professional Geologist Licensing Act;

1           (26) the Illinois Public Accounting Act; and  
2           (27) the Structural Engineering Practice Act of 1989.  
3       (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
4       97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
5       1-25-13; 98-756, eff. 7-16-14.)

6           Section 99. Effective date. This Act takes effect upon  
7       becoming law."